

valid and could not be used to enhance the defendant's sentence in Federal Court under 21 USC 851. The Court found that the statute of limitations barring challenges to conviction more than five years old, applied to collateral challenges of convictions in Federal Court.

The defendant had hoped to have this issue resolved prior to the date of sentencing but has not been able to do so. Should the defendant succeed in vacating the prior conviction after his sentence, the matter would have to return to Court.

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I hereby certify that this document will be served electronically to the government through the ECF system to AUSA David Tobin, United States Attorney's Office as identified on the Notice of Electronic Filing. Signed/Filed under the pains and penalties of perjury.

/s/ Janice Bassil

Date: October 6, 2006